

TED WEISS

17th District
New York

Chairman
Subcommittee on
Intergovernmental
Relations and
Human Resources

2442 Rayburn Building
Washington, D.C. 20515
202/225-5635

Patricia S. Fleming
Administrative Assistant

*Harold - Vote has been
postponed until
9/17, which gives us
only needed
Congress of the United States Time.
House of Representatives*

Committees:

Foreign Affairs

Government Operations

Children, Youth and Families

National Commission
on Working Women

Executive Board Member,
Congressional Arts Caucus

Secretary, New York State
Congressional Delegation

URGENT: OPPOSE DANGEROUS LIMIT ON COURT REVIEW OF CIA ACTIONS

September 6, 1984

Dear Colleague:

The House will soon consider legislation which would severely limit public access to Central Intelligence Agency documents and unnecessarily restrict judicial review of the agency's compliance with the Freedom of Information Act (FOIA). I urge you to oppose this dangerous bill.

Advocates of the Central Intelligence Agency Information Act (H.R. 5164) argue it would permit the CIA to respond to FOIA requests from the public in a more timely manner by easing the agency's workload. Under the guise of increased efficiency, however, H.R. 5164 would result in the unjustified restriction of public access and judicial review.

Few would dispute that a legitimate need exists to protect some CIA information from public release. But restricting public access should be the exception, not the norm. Existing law is adequate to protect properly classified foreign intelligence information.

H.R. 5164 would effectively bar public access to almost all of the CIA's operational files. Had this law been part of the original FOIA legislation, it is likely that the American people would never have learned of the numerous illegal undertakings by the agency, at home and abroad, that have come to light in recent years.

The most alarming provisions of H.R. 5164 are those relating to the all-important judicial review. If the CIA were to improperly withhold information from disclosure, the ability of the person filing the FOIA request and of the courts to compel disclosure are so restricted by H.R. 5164 as to be rendered meaningless. For example, the bill would establish a Catch 22 whereby a requester could not use the FOIA to secure most relevant CIA documents unless he or she could convince an oversight agency or committee to investigate the specific subject of the request.

Moreover, in prohibiting the plaintiff's use of depositions and interrogatories, H.R. 5164 would severely limit the gathering of information by "discovery," even under close court supervision to protect sensitive information. The bill would also: alter normal rules of federal evidence law in unprecedented ways; eliminate, in almost all cases, the ability of the courts to review contested information; and, even if the court were to find the CIA had willfully violated the law, remove the courts' power to impose legal sanctions on the agency.

These provisions constitute an unwarranted gift to an agency whose record of meeting its responsibilities under present FOIA law has been questionable at best. H.R. 5164 is being vigorously opposed by the Southern and Northern California Chapters of the American Civil Liberties Union.

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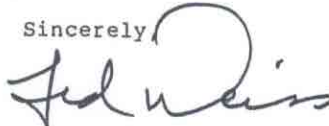
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I urge you to join me in registering a vote against an unnecessary increase in secrecy. Please call Kevin Knobloch of my staff at 5-5635 with any questions you may have.

Sincerely,



TED WEISS
Member of Congress